

**SCPD POLICY AND LAW COMMITTEE MEETING MINUTES**  
**September 13, 2018**  
**SMYRNA REST AREA - SMYRNA, DE**

**Members Present:** Marge Turner, Co-Chair; Daniese McMullin-Powell, Co-Chair; Deb Bradl, DVI; Moni Edgar, UCP; Nick Fina, Advocate; Bill Payne, Advocate; Laura Waterland, DLP; John McNeal, Staff; and Jo Singles, Support Staff.

Guest: Bill Powell

**CALL TO ORDER**

Daniese called the meeting to order 1:11 pm. Nick spoke about having a Quorum Assessment as the beginning of each meeting. John stated that he will be reviewing the current list and confirming who is a member. He added that judging by attendance at recent meetings, we have a consistent number of people and that we have a quorum today. This will be clarified before the next meeting takes place.

**ADDITIONS OR DELETIONS TO THE AGENDA**

- Process for this Committee Going Forward (Nick)

**APPROVAL OF MINUTES**

The April 12<sup>th</sup> minutes were approved as submitted. The June 27<sup>th</sup> minutes were approved as amended: 1. Proposed Regulation: Marge clarified that this regulation is changing the definition on what is going to be reported. Marge made a motion to send comments, including opposing the regulation as written by Laura. Revised: After discussion, Marge made an amended motion.

**REVIEW OF REGULATIONS AND LEGISLATION**

Proposed Regulations

1. Proposed DDOE Regulation 1008 regarding DIAA Junior High and Middle School Athletics, 22 Del. Register of Regulations 186 [September 1, 2018] – After discussion, the following motion was made by Nick and seconded by Marge:
  - 1) The SCPD supports having or not having a waiver, and removing the motivation analysis;
  - 2) Ask for clarifying language that disability-related hardships are covered by this section and that melioration requirements to not apply to disability-related hardships;
  - 3) Endorses the amendments to the Concussion Protocol, but add that this should be expanded to all contact sports, not just football. The motion was carried

John will notify the Brain Injury Committee of our suggestions.

2. Proposed DDOE Regulation 1009 regarding DIAA High and School Athletics, 22 Del. Register of Regulations 187 [September 1, 2018] – After discussion, Nick made a motion and Marge seconded the motion that the SCPD support these important changes to training requirements related to head injury for athletic coaches as the DIAA takes these important steps to avoid and mitigate the effects of sports-related head injuries and traumatic brain injury. Motion was carried.
3. DMMA Proposed Rule on Alternatives to Medicare certification for HHAs, 22 Del. Register of Regulations 194 [September 1, 2018]. No further action taken.

### Final Regulations

1. Final DSHS Delaware Council on Police Training, Regulation 801, 22 Del. Register of Regulations 230 [September 1, 2018]. John stated that this has been discussed with DSHS. He spoke about a session he attended at the ADA Conference in June. The trainer provides training to law enforcement agencies and addresses reasonable accommodations. John, as the ADA Coordinator, will reach out to DSHS to address the lack of a reasonable accommodations policy for police training. Nick made a motion was made that the SCPD send a letter thanking DSHS for adopting the suggested change. Laura seconded the motion. Motion carried.
2. Final DDOE Regulation on Educator Preparation Programs 290, 22 Del. Register of Regulations 219 [September 1, 2018]. No further action taken.

### Legislation

H.B. 354 - This legislation will be signed next week at Newark Charter School. Two students from Newark Charter School initiated this. This Act makes the Delaware equal accommodation law internally consistent, correctly organized, and aligned with the Americans with Disabilities Act ("ADA"). Marge made a motion that John will draft a thank you letter to the two students and Representative Osienski before Monday (signing of the bill). Laura seconded the motion. Motion carried.

### **OTHER BUSINESS**

#### Process for this Committee Going Forward

Nick spoke about a recent exchange of emails between him, Laura and John. He spoke about how the Committee was previously passive in how it was run. He added that what Laura presented today in her analysis was perfect. He has idea of opening discussion with the other Councils (DDC and GACEC) about having a joint Policy & Law Committee that covers all three Councils, with a total of about 12 members. This would reduce the workload on Laura. Nick asked for feedback from the Committee about approaching the other two Councils. Laura stated that she is on the GACEC Policy & Law Committee. Laura spoke about the Register of Regulations coming out the first of every month and having enough time to review and do an analysis before the Committee meets (second Thursday of the month). This does not always

allow sufficient time to complete her analysis. Laura spoke about the Councils having more focus on intentional work including goals and objectives and action steps. Nick commented that the process that this Committee has been following for years has been 90 percent reactive and 10 percent proactive, and this needs to change. Marge spoke about legislators contacting Brian to review proposed legislation before it came to the floor.

Laura spoke about the timeliness on striking now regarding pay increases for personal attendants. Home health attendants under DDDS have received pay increases. She stated that we need to choose two or three issues and develop a strategy. She added that we should not wait until May to do this. Laura noted that Pat's absence has been a loss in this activity. Marge added that Kyle and Pat approached legislators. Laura commented that she has to be careful about whom she meets with and what she says due to funding streams. People who can do this need to be identified. John spoke about his long term relationships with legislators and does not have a problem with doing this. He added that it needs to be a well-structured and coordinated effort.

Nick spoke about this Committee having an Issues subcommittee (30-40 percent membership) and they would identify these types of issues. This subcommittee would also send a list to DLP for analysis. We would be reactive on the regulatory front and proactive on what we see as beneficial. Laura added that having sophisticated coordination is essential, including having a plan for the year. He hope to address staffing issues at the Executive Committee meeting on Monday. Daniese spoke about DDC's Policy & Law Committee that meet and formulate position statements on issues. Lack of quorum is a problem because the meeting cannot continue and discussions have to stop due to FOIA. Laura spoke about the Legislative Planning Committee that meets to brainstorm and produces a Legislative Agenda (for the three Councils). John spoke about developing flow charts. John stated that his responsibility is to coordinate meetings with legislators.

The Issues subcommittee could call out the initiatives we want to take on and the important regulations that we need to react on each month. Nick added that Policy & Law is the beating heart of what we need to do. Marge noted that GACEC is specific to the education component and the DDC overlaps somewhat with what SCPD does. Marge added that with the unknown factor of what is going on with DDC now, the timing may not be right. John says that SCPD is the umbrella Council, and that there was representation by GACEC and DDC at this Committee. Daniese commented that she saw this Committee as SCPD, with participation from GACEC and DDC. She added that it would be better if we picked three top issues to focus on. Laura stated that there is more commonality among the three Councils and a formal merger is not necessary, but need a concerted effort.

John spoke about SCPD being behind in its work. While we have a staff of four people, two are part-time administrative specialists and one full-time, and he is the only policy person. Nick will reach out to Wendy Strauss (GACEC) and Rick Kosmalski (DDC Chairperson) about any interest in doing better coordination or a formal merger of the Policy & Law functions. The meeting will involve: John, Laura, Daniese, Terri, Wendy, Kathie, Kristin, Stefanie and Rick Kosmalski and he hopes to meet in the next couple of weeks.

Laura noted that she has to file eight grants before the end of the year so this is a very busy time for her. She also said that DLP is more interest in systemic litigation and have a lot of focus on the mental health system. She noted that the demand of the job are different than Brian.

There was discussion about focusing on the teleconferencing legislation with a more narrow focus. John commented that he sees this legislation as a reasonable accommodation. Nick commented about the new technology equipment we have for remote captioning. Laura spoke about a person with disabilities who cannot get to meetings come to her and she will sue if this legislation does not get passed. John noted that currently there are four Governor's Boards that use teleconferencing to meet and vote. Laura added that any one of these Boards or Commissions could be sued for not having reasonable accommodations.

There was discussion about moving the date for this Committee to meet (currently the second Thursday of the month). The third week is when the SCPD Full Council meets and the fourth week does not allow enough time to respond. John suggested meeting before the SCPD Full Council and move the Executive Committee meetings in the next several months. This discussion will be put on hold for now. John spoke about meeting the requirements about meeting the requirements of having an adequate number of people with disabilities or family members of people with disabilities represented at the SCPD meetings.

#### **ANNOUNCEMENTS**

None

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

The meeting was adjourned at 3:16 pm.

Respectfully submitted,

Jo Singles  
Support Staff

policy & law/min 9-13-18